

Gastronomic trade - apply for permit	2
Prerequisites	3
Documents required	3
Forms	4
Fees	4
Legal basis	4
Average time to process request	4
More information	5
Responsible authorities	5
Link to online processing	5

Gastronomic trade - apply for permit

You operate a gastronomic trade, if you commercially:

- serve drinks (Schankwirtschaft) or prepared meals (Speisewirtschaft) for consumption on the spot in a stationary trade (i.e. in a fixed place of business)

or

- in an itinerant trade (from a fixed place of business only for the duration of an event) serve drinks or prepared meals for consumption on the spot.

The establishment must be accessible to everyone or to a specific group of people.

If you want to operate a gastronomic business serving alcohol, you generally need a permit for your gastronomic business (gastronomy trade permit).

Exceptions:

You do **not need a permit** if you serve:

- non-alcoholic drinks
- free samples
- prepared food, or
- give drinks and prepared food to house guests in connection with an accommodation business.
- give drinks and prepared meals to house guests.

Independently of the gastronomy permit discussed here and depending on your offer, you may have to fulfil further registration and permit obligations, for example according to the Trade Regulations.

The permit is issued for a specific type of business (e.g. pub, discotheque, dance club, snack bar) and is only valid for the premises used for the business. A building permit may also be required.

Permission is also required for any extension of the gastronomic business and any alteration of the premises.

In the case of civil law partnerships and commercial partnerships, a separate permit is required for each partner. In the case of legal entities and associations without legal capacity, on the other hand, only a single gastronomy permit is required.

If you want to take over an existing licensed gastronomic business from another person, you can be granted a provisional permit on revocation (usually for 3 months) until the final gastronomy permit is issued (see "More information"). With this permit, the business can also be taken over at short notice.

A deputy permit should be applied for, if you want the gastronomy to be run by a

deputy who is also to act responsibly towards authorities and institutions. The deputy must fulfil the same criteria regarding personal reliability and suitability as you yourself.

Prerequisites

- **Personal reliability**

Reliability is checked on the basis of various forms of evidence. The applicant must provide information from the Federal Central Register (certificate of good conduct) and information from the Central Trade Register.

- **Expert knowledge**

Proof of undergone training regarding relevant knowledge about food safety regulations.

- **Suitability of rooms and location**

The rooms used for gastronomy business must be suitable for the type and extent of the intended use. For example, the premises must meet the requirements of the building regulations established to protect the health and life of guests and employees. In addition, no harmful environmental effects may emanate from the business. Requirements for accessibility are also checked.

Documents required

- **Application for a gastronomy permit**

Possible online; or you can use the form.

- **Identity document**

Identity card or other official identification document with photo (not required for electronic application).

Residence permit if the applicant is not a national of an EU country.

- **Certificate of good conduct for presentation to an authority**

(<https://service.berlin.de/dienstleistung/120926/>)

Zur Überprüfung der persönlichen Zuverlässigkeit wird eine Auskunft aus dem Bundeszentralregister (Führungszeugnis) zur Vorlage bei einer Behörde (Belegart O) benötigt.

Die Auskunft ist bei der Wohnsitzgemeinde (in Berlin in jedem Bürgeramt) zur Vorlage bei einer Behörde zu beantragen, d. h. sie wird direkt dem für den Betriebssitz zuständigen Ordnungsamt übersandt. Die Auskünfte dürfen nicht älter als drei Monate sein. Das Bundesministerium für Justiz bietet zudem eine Beantragung im Onlineverfahren an. (siehe „Weiterführende Informationen“)

- **Excerpt from the central business register for presentation to an authority**

(<https://service.berlin.de/dienstleistung/327835/>)

Zur Überprüfung der persönlichen Zuverlässigkeit wird eine Auskunft aus dem Gewerbezentralregister für natürliche Personen zur Vorlage bei einer Behörde (Belegart 9).

Die Auskunft ist als Privatperson bei der Wohnsitzgemeinde (in Berlin in jedem Bürgeramt) zur Vorlage bei einer Behörde zu beantragen, d. h. sie wird direkt dem für den Betriebssitz zuständigen Ordnungsamt übersandt. Juristische Personen mit Betriebssitz in Berlin beantragen diesen bei ihrem zuständigen Ordnungsamt.

Die Auskünfte dürfen nicht älter als drei Monate sein. Das Bundesministerium für Justiz bietet zudem eine Beantragung im Onlineverfahren an. (siehe „Weiterführende Informationen“)

- **Training course for the gastronomic business pursuant to § 4 of the Gastronomy Act (Gaststättengesetz - GastG)**

(<https://service.berlin.de/dienstleistung/330174/en/>)

Certificate from a Chamber of Commerce and Industry (Industrie- und Handelskammer, or IHK) for participation in a training course for the gastronomic business or a similar qualification (to be confirmed by the IHK).

- **Purchasing or rental contract**

To prove that you have the actual power of disposal over the business premises.

- **Ground plan**

Floor plan of the premises intended for operation of the restaurant and staff areas (ideally on a 1:100 scale).

- **Up-to-date excerpt from the Trade Register**

(https://www.handelsregister.de/rp_web/welcome.do;jsessionid=2A22D37A1C112D6FB89E72AAA6F66A80-n1.tc032n01)

Registered companies are required to submit an up to date excerpt from the Trade Register when applying. Legal entities that are in the process of being established (GmbH, AG) are required to submit their partnership agreement or statutes.

Forms

- **Application for a gastronomy permit**

(https://www.berlin.de/formularverzeichnis/?formular=/ordnungsamt/stehend-es-gewerbe/_assets/mdb-f127280-wi500_gaststaettenantrag.pdf)

Fees

EUR 100.00 to EUR 1,500.00 depending on effort

Legal basis

- **Gastronomy Act (Gaststättengesetz - GastG) § 2 permit**

(https://www.gesetze-im-internet.de/gastg/_2.html)

- **Gastronomy Act (Gaststättengesetz - GastG) § 4 reasons for refusal**

(https://www.gesetze-im-internet.de/gastg/_4.html)

- **Berlin Gastronomic Business Regulation (Gaststättenverordnung Berlin - GastV)**

(<https://gesetze.berlin.de/jportal/?quelle=jlink&query=GastV+BE&psml=bsbeprod.psml&max=true&aiz=true>)

- **Schedule of Administrative Fees (Verwaltungsgebührenordnung (VGebO))**

(<https://gesetze.berlin.de/perma?d=jlr-VwGebOBE2009V11Anlage>)

Average time to process request

approx. 3 to 5 weeks

More information

- **Berlin Gastromat - questions and answers regarding the gastronomic business**
(<https://www.ihk-berlin.de/service-und-beratung/recht-und-steuern/gewerberecht/berliner-gastromat-3538458>)
- **Information by the Berlin Chamber of Industry and Commerce (IHK) on gastronomic business serving alcohol**
(<https://www.ihk-berlin.de/service-und-beratung/existenzgruendung/informationsangebote/brancheninformation/gastronomie-mit-alkohol-2279262>)
- **Information by IHK Berlin regarding the handling of food products**
(<https://www.ihk-berlin.de/service-und-beratung/recht-und-steuern/gewerberecht/lebensmittelrecht-und-produktkennzeichnung/lebensmittelhygieneverordnung-2265336>)
- **Führungszeugnis und Gewerbezentralregister online beantragen - Bfj**
(https://www.bundesjustizamt.de/DE/Themen/Buergerdienste/Buergerdienste_node.html)
- **Information by Chamber of Industry and Commerce Berlin regarding the training course for the restaurant trade**
(https://www.ihk-berlin.de/pruefungen_lehrgaenge/unterrichtungen/gaststaetenunterrichtung/2265134)
- **Gastronomic trade - register for the certificate of instruction**
(<https://service.berlin.de/dienstleistung/330174/en/>)
- **Gastronomy trade - apply for provisional permit**
(<https://service.berlin.de/dienstleistung/329715/en/>)
- **Information about privacy**
(https://www.berlin.de/formularverzeichnis/?formular=/ordnungsamt/stehendes-gewerbe/_assets/merkleblatt-dsgv.pdf)

Responsible authorities

The application for a restaurant permit must be submitted to the public order office in whose district your business premises are locally located.

Link to online processing

<https://www.berlin.de/ea/en/application/login-service-account-berlin/>